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The Copyright Association of Canada.

Toronto, March 20th, 1895.

Certain erroneous statements having been circulated with regard to the Canadian Copyright Act of 1889, it has been deemed advisable by the Copyright Association of Canada to issue the following statements:

The Canadian Copyright Act of 1889 was unanimously passed by the Parliament of Canada, and assented to by the Governor-General. General statement

The Act was to come into operation on proclamation of the Governor-General.

The Governor-General has not yet proclaimed the Act.

The Canadian Government contend that they have the right to legislate fully on Copyright, it being one of the classes of subjects entrusted to the Parliament of Canada by the B.N.A. Act of 1867.

The following are among the reasons why the Act should be proclaimed:

A copyright is analagous to a patent. The Canadian Copyright Act is analagous to the Canadian Patent Act. That Patent Act requires manufacture in Canada. The Imperial Government did not disallow the Patent Act. The Imperial Government would not propose that a United States patentee, on securing the British patent, should thereby secure the Canadian patent. Why should the Imperial Government assure the United States author, that on securing Copyright in Great Britain, he thereby secures Copyright in Canada? Canada exclusively legislates as to the terms on which patents may be secured in Canada. Canada should be permitted to exercise the same powers as to the terms on which copyrights may be secured in Canada. A copyright analagous to a patent.

The United States publisher when buying from a British author the copyright for the United States, stipulates that Canada shall be included. Canadian market must not be sold.

Canadians resent this sale of their market, and persist in their claim to adopt such legislation as will put a stop thereto.

The fear that Canadian publishers would flood the British and United States markets with cheap editions, is utterly unfounded, as the Copyright Acts of those countries prohibit the importation and sale of unauthorised editions, and impose a heavy penalty for violation of the law. Canadian publishers, therefore, could not flood either market with cheap editions. Canadian reprints cannot flood other markets.

It has happened that orders for books sent to London have been returned with "cannot supply" marked thereon, thus forcing Canadians to buy those books from the United States publishers.

On the other hand, the British publisher prints a cheap edition of a work by a United States author. This cheap edition is exported to Canada. An illustration on this point is furnished in the case of F. Marion Crawford's book, "The Ralstons." This book was published in the United States at $2. It was published simultaneously in Great Britain at 12 shillings. But the British publishers printed a cheap Colonial edition which sold in Canada for 75 cents. This cheap edition was on sale in Canada within a day or two after the publication of the United States $2 edition. Here, then, is a British publisher issuing a cheap paper edition for sale in Canada—when one of the main objections of the opponents of the Canadian Act, which is made to do duty on every occasion, is that the Canadian publisher will issue cheap paper editions which will flood the United States market in competition with the more expensive United States editions! It must be distinctly understood, however, that this cheap paper edition, which is sold in Canada, does *not* flood the United States market, for the very excellent reason, already stated, that the United States Copyright Act prohibits its importation or sale in the United States.

The Canadian Act permits the importation of British editions of works, whether copyrighted here or published under the royalty clause of the Act; but excludes foreign editions. Imports allowed from Britain.

Should the author (be he British or American) neglect to secure copyright in Great Britain, any publisher may reprint the work there without paying the author. No piracy in Canadian Act.

Should the author neglect to secure copyright in the United States, any publisher may reprint the work there without paying the author.

Should the author neglect to secure copyright in Canada, no Canadian publisher could reprint the work in Canada without paying the author ten per cent. royalty.

It is therefore clearly seen that while the British and United States Acts permit the piracy of authors' works, the Canadian Act does not.

The introduction of the royalty clause in the Canadian Act was not original with the promoters thereof. The idea was suggested by the Foreign Reprints Act, passed by the Imperial Parliament, which allows a United States publisher, or other foreign publisher, who has printed a copyright book without permission, to supply the Canadian market on payment of a royalty of 12½ per cent., collected on the wholesale price of the book, which royalty goes to the British copyright owner. It was but natural for the Canadian to desire to be placed on an equal footing with the foreign publisher, so far as his own market was concerned. Therefore a royalty of 10 per cent. on the retail price of the book was suggested. The Royalty Clause.

Furthermore, many difficulties have been encountered in collecting the royalty on imports, it being almost impossible to keep a complete and accurate list at every Custom House, and to check every invoice therefrom. The collection of the royalty on reprints, on the other hand, is provided for by the Canadian Law in a perfectly safe manner, as the Inland Revenue Department is to stamp the title page of each copy of every book issued, and before this is done the royalty must be paid to the Government to the credit of the author. As a matter of fact, then, the author will exchange his royalty of 12½ per cent. on imports, which is uncertain of collection, for a royalty on reprints of 10 per cent. on the retail price, which is certain of collection.

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In considering this question, the geographical position of Canada, side by side with the United States, ought not to be overlooked. This fact makes Canada's position very different indeed from that of any other British colony. Geographical position.

Compare the United States Copyright Act, now in operation, with the Canadian Copyright Act, and it will be seen that many advantages are given to authors by the latter. Advantages given to authors.

To secure copyright in the United States, the British author must print his book there from type set within the limits of the United States, or from plates made from type set within the limits of the United States. The Canadian Act provides for no such restriction, but allows both British and United States authors to set the type in Canada, or print from plates, as they may think best. In anticipation of the Canadian Act coming into force, the Canadian Government passed a special enactment allowing plates for books to be imported into Canada free of duty. This concession was made, thinking that it would be appreciated, but those opposing the Act seem determined to ignore the concession. Yet the concession is there, and it proves that Canada grants British authors copyright in Canada, on far more liberal terms than they can secure copyright in the United States; and that Canada grants United States authors copyright in Canada on far easier terms than Canadians are granted copyright in the United States.

Canada has not only lost the printing of works by foreign authors, but is fast losing the printing of works by Canadian authors, not because the books can be printed cheaper or better abroad, but because they have to be manufactured in the United States in order to secure copyright there. When that is done, there is no necessity for issuing a Canadian edition, as the Canadian market can be supplied by the United States edition. Injustice to important Canadian interests.

Under the present law, the Canadian reading public are ignored, and the works of both British and United States authors must be imported into Canada, and moreover these editions are, in many cases, published at such prices as to put them beyond the reach of the great majority of Canadian readers. Reading public inconvenienced.

British authors are now able to secure copyright in the United States, and United States authors are now able to secure copyright in Great Britain (which covers Canada). Therefore the copyright owners now refuse to print in Canada. They supply this market with editions printed either in the United States or Great Britain. This is considered a great injury to the printing, paper and allied industries in Canada. It is, moreover, a source of trouble and annoyance to the people of Canada, as the British market is so far away that, after the supply on hand of a book is exhausted, some weeks must elapse before a new supply can be procured.

A circular, containing objections to the Canadian Act, has been recently issued in England. These objections should not prevail. Objections refuted

The circular states that Canada has asked the British Government to sanction arrangements to take copyright in Canada away from all British authors except such as are Canadians. Such is not the case. Canada does not propose to take away copyright in Canada from British authors. The British author and the United States author may, under the Canadian Act, secure copyright in Canada on exactly the same terms as the Canadian author.

It is objected that the Canadian Act will injure the value of the British edition, because the Canadian edition could be imported into the United Kingdom and the other colonies, and compete with it. But from the report of Lord Knutsford's Copyright Commission of 1892, it appears that, at the instance of the British copyright owners, the law of Great Britain was framed so that the importation of Canadian reprints of British works into Great Britain is prohibited.

It is objected that the Canadian Act is at variance with the Free Trade principles of the United Kingdom. That may be. The Canadian Tariff Act is also avowedly at variance with the Free Trade principles of the United Kingdom—yet the British Government would not propose to interfere with it.

It is objected that the Canadian Act will destroy the British author's present means of securing copyright in the United States of America. That is only an opinion. Are not the British publishers themselves alone responsible for the agitation against allowing British authors to hold copyright in the United States? The action of the British Music Publishers' Association in contesting what is known as the "manufacturing" clause in the United States Act, has done British authors incalculable harm in the United States; and if the British music publishers will not accept that manufacturing clause, (as British book publishers have very wisely done), British authors may yet find themselves deprived of the benefit of copyright in the United States.

As to the Berne Convention, it should be understood that the Canadian Parliament never adopted or agreed to the Berne Convention. On the contrary, the Canadian Parliament has twice asked that notice be given of Canada's desire that the convention be denounced.

Most of the other objections are based on the supposition that the author loses control over his work under the Canadian Act. Nothing could be further from the fact, since, by complying with the terms of the Act, authors and copyright owners retain entire control of their works and may suppress old editions, or issue new ones as desired.

Canadians insist on the full right of the Parliament of Canada to pass and enact legislation on copyright as desired from time to time; the same as they enjoy on the other subjects entrusted to that Parliament under the B.N.A. Act of 1867. Canadians stand by the Act of 1867.

The right of the Parliament of Canada to enact and enforce its own copyright legislation has been endorsed by the unanimous vote of the Parliament and Senate of Canada; by the Newspaper Press of Canada; by the Board of Trade of the City of Toronto, and other cities; by the Employing Printers of Canada; by the Typographical Unions and Printing Pressmen's Unions; by the Trades and Labor Councils (comprising representatives from the various trades), by the Booksellers' and Paper Makers' Association, and by many others.

The above reasons, amongst others, for the enforcement of the Copyright Act of 1889, were laid before Sir Mackenzie Bowell, the Premier of the Dominion of Canada, and Sir Charles Hibbert Tupper, the Minister of Justice, by an influential deputation of the Copyright Association of Canada, at Toronto, in February, 1895.

Signed on behalf of the Copyright Association of Canada,

J. ROSS ROBERTSON,
President.

DAN. A. ROSE,
Vice-President.

RICHARD T. LANCEFIELD,
Hon. Secretary.